

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Albert Rose Jones,

NO. C 07-00226 JW

Plaintiff,

ORDER OF DISMISSAL

v.

United States of America, et al.,

Defendants.

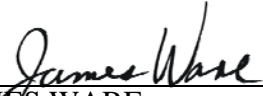
On January 11, 2007, Plaintiff filed her Complaint with an Application to Proceed in Forma Pauperis. (See Docket Item Nos. 1, 2.) On February 13, 2007, the Court denied Plaintiff's Application. (See Docket Item No. 5.) Plaintiff sought reconsideration or an extension of time to pay her filing fees. Plaintiff states that she would file addition papers by May 15, 2007. (See Docket Item No. 6.) On April 30, 2007, the Court conducted the initial case management conference as set forth by the Clerk's Order upon the filing of the case. Plaintiff failed to appear. (See Docket Item No. 8.)

A district court has the authority to dismiss a case for lack of prosecution pursuant to its inherent authority and Rule 41(b) of the Federal Rules of Civil Procedure. See Link v. Wabash R. Co., 370 U.S. 626 (1962). Rule 41(b) states in pertinent part: "For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against the defendant. . . . [A] dismissal under this subdivision . . . operates as an adjudication upon the merits." Fed. R. Civ. P. 41(b). "This power is necessary to

1 prevent undue delay in the disposition of pending cases, docket congestion, and, the possibility of
2 harassment of a defendant." Medeiros v. U.S., 621 F.2d 468, 470 (1st Cir. 1980).

3 To date, Plaintiff has not made any further filing in this case. Plaintiff's failure to appear for
4 the case management conference is further evidence that Plaintiff has abandoned this litigation.
5 Accordingly, the Court DISMISSES this action pursuant to Rule 41(b) of the Federal Rule of Civil
6 Procedure which is a dismissal on the merits. Judgment will be entered in favor of all Defendants.

7
8 Dated: July 6, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Alberta Rose Jones
3 1144 Tangerine Way
4 Sunnyvale, CA 94087

5 Rosario Marinello
6 266 Reservation Rd., #F-232
7 Marina, Ca 93933

8 **Dated: July 6, 2007**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**